

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AMANDA MILJUS,

Plaintiff,

V.

JO ANNE B. BARNHART, Commissioner of  
Social Security

Defendant.

Case No. C06-5009RBL-KLS

## REPORT AND RECOMMENDATION

Noted for August 11, 2006

This matter has been referred to Magistrate Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1),

Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. This matter is before the Court on plaintiff's failure to respond with the undersigned's order regarding service of the complaint. (Dkt. #4). After reviewing the record, the undersigned submits the following report and recommendation to the Honorable Ronald B. Leighton, recommending the Court dismiss this action for failure to comply with the undersigned's order.

## **DISCUSSION**

On June 6, 2006, the undersigned issued an order informing plaintiff that it had been more than 120 days since she filed her complaint, and directing her to serve the complaint and file proof of service of the complaint with the Court by no later than July 6, 2006, or show cause why this matter should not be dismissed for failure to prosecute. (Dkt. #4). To date, it does not appear that plaintiff has served her complaint, nor has any proof of service been filed with this Court.

## **CONCLUSION**

Because plaintiff has failed to respond to the undersigned's order to show cause (Dkt. #4), and because it appears plaintiff still has not served her complaint, the Court should dismiss this case without prejudice for failure to prosecute.

5 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) 72(b),  
6 the parties shall have ten (10) days from service of this Report and Recommendation to file written  
7 objections thereto. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those  
8 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit  
9 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set this matter for consideration on **August 11,**  
10 **2006**, as noted in the caption.

DATED this 20th day of July, 2006.

Karen L. Strombom  
Karen L. Strombom  
United States Magistrate Judge